

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TONY MARCELLI, CYNTHIA MARCELLI  
AND MARCELLI CONSTRUCTION COMPANY, INC.,  
A MICHIGAN CORPORATION,

Plaintiffs,

v.

Case No. 2:06-cv-15477

HON: Nancy G. Edmunds

MAG: Mona K. Majzoub

JAMES M. WALKER, WESTFIELD COMPANIES,  
OHIO FARMER INSURANCE COMPANY,  
GUS YOGMOUR, RONALD A. DENEWETH,  
SHIER DENEWETH & PARFITT, P.C.,  
CHARLES E. RAINES COMPANY,  
CHARLES E. RAINES and SOUHEIL SABAK,

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**ORDER DISMISSING CONSENTING DEFENDANTS WITH  
PREJUDICE AND WITHOUT FEES OR COST**

This Matter having come before the Court on the stipulation of Counsel for the Parties, and the court being otherwise informed, does hereby order as follows:

NOW THEREFORE, IT IS HEREBY ORDERED THAT Defendants, Ronald A. Deneweth, Schier, Deneweth & Parfitt, PC, R.V. Buric Construction Management Consultants, Inc., Gary Montler, aka Gary Mottler, James M. Walker, Westfield Companies, Ohio Framer Insurance Company, Gus Yogmour, Jr., William Klockow, George Bondi, Oakland County Drain Commission, Gerald Couch, Cameron Priebe, City of Taylor, Yopp and Wilkie, John Wilkie, David Zanley, TMP Assocaites, Inc., Timothy A. Casai, David M. Koziarz, Terry Stollsteimer, Henry Ford Community College, Ronald Shamblin, George Strand, Ray Turczyn, City of Lapeer, Charles E. Raines Company, Charles E. Raines, and Souheil Sabak shall be dismissed *with prejudice* from any and all claims raised or that

could have been raised by Plaintiffs in the instant matter. No fees or costs shall be assessed as to any party.

IT IS FURTHER ORDERED THAT any claims that were raised against defendants Charles E. Raines Company, Charles E. Raines, and Souheil Sabak that were dismissed by the Court without prejudice, shall be treated as a dismissal *with prejudice*.

This resolves the last pending claim between Plaintiffs and consenting Defendants.

s/Nancy G. Edmunds  
Nancy G. Edmunds  
United States District Judge

Dated: February 13, 2007

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 13, 2007, by electronic and/or ordinary mail.

s/Carol A. Hemeyer  
Case Manager